

**2. RESPONSE/REMARKS**

**2.1 STATUS OF THE CLAIMS:**

*Claims 1-59 were pending at the time of the Action.*

*Claims 2, 3, 5-13, 44-52, and 54-57 have been canceled without prejudice or disclaimer.*

*Claims 1, 4, 14-16, 22, 25, 27, 30, 36, 40, 43, 53, and 59 have been amended herein.*

*Claims 1, 4, 14-43, 53, and 58 remain pending in the Application.*

Applicants respectfully request reconsideration of the remarks herein, removal of all outstanding claim objections and rejections, and allowance of all pending claims. Applicants also hereby incorporate by specific reference thereto, all arguments and reasoning presented in Applicants' earlier responses on record in the pending matter.

**2.2 REJOINDER OF CLAIMS 43 AND 53 IS REQUESTED.**

In light of the amendment presented herein, Applicants also respectfully request rejoinder and allowance of claims 43 and 53, which have been amended commensurate in scope with the composition claims that are now in condition for allowance.

**2.3 THE REJECTION OF CLAIMS UNDER 35 U.S.C. § 103(A) IS OVERCOME.**

*The Action at pages 3-8 renews the Office's rejection of claims under 35 U.S.C. § 103(a), allegedly as being obvious over Wraight et al. (WO 00/78341), Thompson et al. (U.S. Patent No. 5,750,390), Pavco et al. and Kido et al., for the reasons already of record in the previous Action.*

Applicants again respectfully traverse.

As discussed in Applicants' response to the prior Office Action, these references, neither alone, nor in any combination provide the relevant teaching, suggestion, motivation, or an expectation of success of achieving the claimed invention. In particular, (a) none of the disclosures by Wraight *et al.*, Pavco *et al.*, Thompson *et al.*, and/or Kido *et al.*, provides any guidance about selecting particular ribozymes that specifically target IGF-I receptor -specific mRNA sequences, and most certainly do not provide any guidance or an expectation of success in constructing a ribozyme that comprises, or alternatively consists of, the ribozyme sequence set forth in SEQ ID NO:100. The combination of these references also do not suggest a likelihood of success that the *particular ribozyme sequence* of SEQ ID NO:100 would be useful in the specific cleavage of an IGF-I receptor polypeptide-specific mRNA sequence such as the mRNA target sequence set forth in SEQ ID NO:88.

As such, these references *cannot* render the claimed invention obvious. There is simply insufficient teaching, motivation, suggestion, and expectation of success for using the specific ribozyme sequence (SEQ ID NO:100) to selectively target an IGF-1 receptor-specific mRNA (*e.g.*, the sequence set forth in SEQ ID NO:88), and to specifically cleave such an mRNA sequence.

Applicants respectfully request, therefore, that the obviousness rejection now be withdrawn, and that a Notice of Allowance be issued in the case.

## **2.4 A NOTICE OF APPEAL OF THE FINAL DECISION IS GIVEN.**

Solely to facilitate continued pendency of the application until Examiner Chong's review of the present submission is completed, and an Examiner Interview can be scheduled and

conducted, Applicants constructively file a Notice of Appeal herewith. The authorization for the fee accompanying this Notice of Appeal is also hereby expressly stated, and the Commissioner is authorized to deduct the requisite amount for the Appeal fee from the above-captioned Deposit Account. It is Applicants' belief, however, that all previous concerns of Examiner Chong with respect to patentability of the present claims have now been successfully resolved, and that the pending claims are ready for allowance.

## **2.5 PROVISIONAL REQUEST FOR EXAMINER INTERVIEW.**

Pursuant to M.P.E.P. § 713.01 and 37 C.F.R. § 1.133, Applicants hereby provisionally request an interview between the Office and the undersigned representative should any specific concerns remain following Examiner Chong's entry of the amendment and consideration of the present paper.

In order to facilitate an expeditious conclusion of prosecution on the merits in the present application, and to permit expedited allowance and issuance of the pending claims, Applicants provide construct notice of the undersigned's availability to conduct such an interview with the Office within the next 30 days if necessary.

Should agreement and allowance not be reached with all pending claims in view of the instant submission, Applicants also specifically reserve their right to elect (within the prescribed statutory period) to submit a Brief on Appeal, or alternatively, request continued examination of the case by filing of an RCE. Applicants respectfully defer action on this decision until such time as the present paper is considered and the Interview with the Office conducted.

Mindful of the Examiner's extensive docket, appreciative of her diligence in the Examination of this case, and in an effort to secure a speedy resolution of the final outstanding

issue, and likewise to afford the Examiner the maximum opportunity to review the present document and consider the remarks herein, Applicants have elected to file the present papers electronically using the Office's Electronic Filing System (EFS) to permit the Examiner's ready access to electronic versions of these documents immediately upon filing, thereby circumventing the delays inherent with traditional submissions by mail. Applicants appreciate the Examiner's attention to the remarks herein in advance of the forthcoming request for a subsequent Interview on the record.

## **2.6 CONCLUSION**

It is respectfully submitted that all claims are fully enabled by the Specification, and that all claims are definite and free of any concerns of prior art. Applicants believe that the claims are acceptable under all sections of the Statutes and are now in conditions for ready allowance, and that all of the concerns of the Office have been resolved. Applicants earnestly solicit concurrence by the Office and the issuance of a Notice of Allowance in the case with all due speed.

Applicants note for the record their explicit right to re-file claims to one or more aspects of the invention as originally claimed in one or more continuing application(s) retaining the priority claim from the present and parent cases.

Should Examiner Chong have any questions, a telephone call to Applicants' undersigned representative would be appreciated.

Respectfully submitted,



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I hereby certify that this correspondence is being filed electronically with the U.S. Patent and Trademark Office via EFS-Web on September 15, 2008.



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